

REMARKS

By the foregoing amendments the specification has been amended on page 1 to refer to the related international application of which the present application is a U.S. national phase under 35 U.S.C. §371. Claim 6 has been amended. Thus, claims 1-6 are in the application.

Claim 6 was objected to in the outstanding Office Action under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Responsive to the objection, by the above amendment claim 6 has been amended to correct the improper form. The claim no longer depends on another multiple dependent claim.

Claims 1-5 were rejected in the outstanding Office Action under 35 U.S.C. §103(a) as being unpatentable over Fujita, et al., JP11-116763 in view of Kanimori et al., WO 02/085985. The references were cited for the reasons and in the manner stated on pages 2-7 of the Office Action. This rejection is hereby traversed and reconsideration thereof is respectfully requested in view of the above amendments to the claims and Applicants remarks set forth below.

The present invention is directed to an improved curable composition which has excellent weatherability, gives a cured composition having excellent tensile properties, and is useful as a sealing material having excellent storage stability. It is respectfully submitted that the curable composition as recited in the claims as amended is not obvious, 35 U.S.C. §103, from Fujita and Kanimori.

In Fujita, there is disclosed a composition comprising (1) a polyether polymer containing a cross-linkable silyl group as shown by a formula and (2)

a vinyl polymer containing a cross-linkable silyl group whose examples are (meth) acrylic acid ester polymer containing a silyl group at the terminal position, etc. Namely, the disclosure in Fujita relates to a composition comprising a component corresponding to the component (A) of the present invention and a component corresponding to the component (C) of the present invention, as these components are referred to in Applicants claim 1.

On the other hand, as clearly defined in Applicants claims, in the present invention, use of the component (B), i.e., a (meth) acrylic acid ester type polymer containing a cross-linkable silyl group at the side chains, is essential in addition to the components (A) and (C). On the contrary, in Fujita, there is no disclosure or suggestion on the use of the component corresponding to (B) of the present invention. The deficiency is acknowledged in paragraph no. 10 on page 4 of the Office Action.

Additionally, Applicants note that attention should be paid to the fact that Fujita recognizes that poly (acrylic acid-n-butyl) ester containing a cross-linkable silyl group at the side chain is inferior to poly (acrylic acid-n-butyl) ester containing a cross-linkable alky group at the terminal position, see the comparative experimental data in Fujita. This means that, according to recognition in Fujita, the component corresponding to the component (B) of the present invention is not suitable or undesirable.

From the above, it is respectfully submitted that a skilled artisan would not have been motivated at the time of Applicants invention to use the component (B) in addition to the components corresponding to the components (A) and (C) in Fujita's invention.

The secondary reference to Kanamori relied upon in the rejection relates to a composition comprising a vinyl polymer containing a reactive silicon group, a polyoxyalkylene polymer containing a reactive silicon group and a plasticizer comprising an acryl component, and thus the compositions disclosed in Kanamori are different from the composition of the present invention at least in using the specified plasticizer and not using a (meth) acrylic acid ester polymer containing a cross-linkable silyl group only at the terminal position (component (C) of the present invention).

Such being the situation, combining Fujita with Kanamori would not lead to the present invention, and the skilled artisan would not have been motivated to pick up the specific component among Kanamori and apply it to Fujita or replacing some component in Fujita with another component in Kanamori within the intent of 35 U.S.C. §103 as maintained in the outstanding rejection.

In support of this non-obviousness under 35 U.S.C. §103, Applicants note that in their specification, the following can clearly be understood from the comparative experimental data:

in the present invention, in a composition comprising only the component (C), skinning time is prolonged after storage at 50°C for 4 weeks, see Table 2 on page 82 of the specification, Comparative Example 4. Even in a composition comprising the components (C) and (A), which would nearly be compositions of Examples 1 and 2 of Fujita, skinning time is prolonged after storage at 50°C for 4 weeks, Table 2, Comparative Example 3. Only in a composition comprising the component (B) in addition to the components (C)

and (A), is prolongation of the skinning time effectively improved, Table 2, Example 2.

Applicants respectfully submit that the above result is extraordinarily distinguishable and unexpected, and such an excellent result is not disclosed or suggested in Fujita or Kanamori, and not obvious, 35 U.S.C. §103, therefrom even to a skilled artisan.

In view of the above amendments and remarks, reconsideration and allowance of the amended claims is requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 512.45517X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachments